

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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X LIMITED LIABILITY COMPANY, d/b/a  
X Hydration,

Case No. 24-CV-4151 (PJS/EMB)

Plaintiff,

v.

ORDER

PRIME HYDRATION LLC,

Defendant.

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Alexandra J. Olson, Jennell C. Bilek, Hannah Mosby O'Brien, Justin  
Oakland, CARLSON, CASPERS, VANDENBURGH & LINDQUIST, P.A.,  
for plaintiff.

Herbert H. Finn and Tiffany A. Blofield, GREENBERG TRAURIG, LLP,  
for defendant.

Plaintiff X Limited Liability Company ("X Limited") brings trademark-  
infringement and related claims against defendant Prime Hydration LLC ("Prime").  
This matter is before the Court on Prime's Fed. R. Civ. P. 12(b)(2) motion to dismiss for  
lack of personal jurisdiction and Fed. R. Civ. P. 12(b)(6) motion to dismiss Count 2 of X  
Limited's complaint for failure to state a claim.

For the reasons stated on the record at the July 27, 2025, hearing, Prime's  
Rule 12(b)(2) motion to dismiss for lack of personal jurisdiction is denied.

With respect to Prime's Rule 12(b)(6) motion to dismiss Count 2: X Limited is the  
owner of two federally registered trademarks covering its premium sports-drink

products. Compl. ¶ 14. In Count 2 of its complaint, X Limited alleges trademark counterfeiting with respect to both of these trademarks under the Lanham Act, 15 U.S.C. §§ 1114 and 1116. As explained at the hearing, X Limited has alleged a plausible claim of counterfeiting with respect to its “X Hydration” mark, as it has cited examples of Prime using that exact phrase. Compl. ¶¶ 14, 27–28. With respect to X Limited’s X mark, however, the Court has its doubts that X Limited has a viable counterfeiting claim. *See* 15 U.S.C. § 1127 (“A ‘counterfeit’ is a spurious mark which is identical with, or substantially indistinguishable from, a registered mark.”). Having reviewed cases on counterfeiting, however, the Court believes that this claim is better addressed on a full record. Prime’s motion to dismiss Count 2 is therefore denied.

#### ORDER

Based on the foregoing, and on all of the files, records, and proceedings herein, IT IS HEREBY ORDERED THAT defendant’s motion to dismiss [ECF No. 42] is DENIED.

Dated: July 28, 2025

/s/ Patrick J. Schiltz  
Patrick J. Schiltz, Chief Judge  
United States District Court